

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 09/638,241

Group No.: 3731

Filed: August 14, 2000

Examiner: (Jackie) Tan-Uyen T. Ho

For: METHODS AND APPARATUS FOR TREATING DISC HERNIATION AND
PREVENTING THE EXTRUSION OF INTERBODY BONE GRAFT

RESPONSE TO OFFICE ACTION

Mail Stop Fee AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action mailed November 23, 2004, the Examiner's attention is directed to the following remarks.

Claims 12-22 currently stand rejected under 35 U.S.C. §102(e) over Lambrecht et al. ('235). In furtherance of a phone conversation with the Examiner, it is Applicant's position that the cited reference is not prior art. Disclosures notwithstanding, the '235 patent references an earliest priority date of August 18, 1999, whereas the instant application claims the benefit of U.S. provisional patent application Serial No. 60/148,913, filed August 13, 1999. This application also claims the benefit of PCT/US00/14708, which is based on U.S. Patent Application Serial No. 09/322,516, filed May 28, 1999. Accordingly, this case is in condition for allowance.

Respectfully submitted,

By: 

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